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Contracts, Civil Procedure, Constitutional Law

C.W. Downer & Company v. Bioriginal Food & Science Corporation, No. 14-1327

In this contracts case in which the parties, a Canadian defendant and a Massachusetts plaintiff, did not have first-hand contacts and in which the contacts involved no physical presence in Massachusetts, but were by phone, email, and internet over an international border, dismissal for lack of personal jurisdiction is reversed and remanded, where in light of the nature of the contacts, the number of contacts over time, and the origin and duration of the parties' contacts, the exercise of long-arm jurisdiction by Massachusetts is consistent with Due Process fair play and substantial justice. Read more...

Commercial Law, Injury & Tort Law, M&A

Baker v. Goldman, Sachs & Co., No. 13-2173

In this case, plaintiff-software-company hired defendant-bank to assist it in finding an acquisition partner. The acquisition partner later was found to have fraudulently overstated its earnings, and bankruptcy ensued for the merged company, after which the present litigation followed, alleging various common-law claims including gross negligence, intentional and negligent misrepresentation, breach of fiduciary duty, and unfair or deceptive acts in violation of Mass. Ben. Laws ch. 93A. Judgment finding defendant not liable on all claims is affirmed, where: 1) defendant's conduct, even if sloppy and unforthcoming, was not unfair or deceptive, the factual findings are supported by the record, and the court correctly applied the ch. 93A legal standard to those findings; and 2) there were no other errors, and even if there were, those errors were harmless.